

SOL:JC
(06)02807

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELAINE L. CHAO, Secretary of Labor, United States Department of Labor,	:	
	:	Civil Action File
Plaintiff,	:	No.
	:	
V.	:	
	:	SERVICE NOTICE
SABE RESTAURANT 401(k) PLAN,	:	
	:	
Defendant.	:	

PLEASE TAKE NOTE that Elaine L. Chao, Secretary of Labor, United States Department of Labor, the Plaintiff in this matter, tells the Court that she has effected service on the Defendant Sabe Restaurant 401(k) Plan as follows:

1. The Secretary's Investigators have left copies of the summons, complaint, and court rules for this matter at the residence for the last known fiduciaries of the Defendant, as described in the Return of Service Forms attached hereto as Exhibit A; and,

2. Copies of the summons, complaint, and court rules for this matter have been mailed to the last known fiduciaries of the Defendant, as described in the Certificate of Service attached hereto as Exhibit B.

DATED: March 14, 2007
New York, New York

PATRICIA M. RODENHAUSEN
Regional Solicitor

BY: *John G. Campbell*
JOHN G. CAMPBELL
Attorney JC (2125)

POST OFFICE ADDRESS:

U.S. Department of Labor
Office of the Solicitor
201 Varick Street, Room 983
New York, New York 10014
(212) 337-2078/2111
FAX (212) 337-2112

EXHIBIT A

AO 440 (Rev. 10/93) Summons In a Civil Action SDNY WEB 4/99

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me ¹	DATE <u>March 6, 2007</u>	
NAME OF SERVER (PRINT) <u>Lori A. Summers</u>	TITLE <u>Sr. Investigator</u>	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____		
<input checked="" type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <u>Richard Cabrera, Building Security</u>		
<input type="checkbox"/> Returned unexecuted: _____		
<input checked="" type="checkbox"/> Other (specify): <u>I am told, and believe that Urbano Benito was a fiduciary or trustee of the Defendant, Sabe Restaurant 401(k) Plan. My inquiries confirmed that Mr. Benito resides at 6039 Collins Avenue, Apt # 802, Miami Beach, Florida 33140. On March 6, 2007, I left the Summons, Complaint and Judge's Rules at Mr. Benito's residence as described in Paragraph 2 of this Form</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>March 6, 2007</u> <u>Lori A. Summers</u> Date Signature of Server</p> <p><u>U.S. Dept. of Labor</u> <u>8040 Peters Rd #H-104</u> Address of Server <u>Plantation FL 33324</u></p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 10/93) Summons in a Civil Action - SDNY WEB 4/99

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me ¹	DATE <u>March 6, 2007</u>	
NAME OF SERVER (PRINT) <u>Lori A. Summers</u>	TITLE <u>Sr. Investigator</u>	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____		
<input checked="" type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <u>Richard Cabrera, Building Security</u>		
<input type="checkbox"/> Returned unexecuted: _____		
<input checked="" type="checkbox"/> Other (specify): <u>I am told, and believe that Margaret Benito was a fiduciary or trustee of the Defendant, Sabe Restaurant 401(k) Plan. My inquiries confirmed that Mrs. Benito resides at 6039 Collins Avenue, Apt # 802, Miami Beach, Florida 33140. On March 6, 2007, I left the Summons, Complaint and Judge's Rules at Mrs. Benito's residence as described in Paragraph 2 of this Form</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u>March 6, 2007</u> <small>Date</small>	<u>Lori A. Summers</u> <small>Signature of Server</small> <u>U.S. Dept of Labor</u> <u>8040 Peters Rd #H-104</u> <small>Address of Server</small> <u>Plantation, FL 33324</u>	

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

EXHIBIT B

SOL:JC
(06)02807

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELAINE L. CHAO, Secretary of Labor,
United States Department of Labor,

Plaintiff,

V.

SABE RESTAURANT 401(k) PLAN,

Defendant.

:

:

:

:

:

:

Civil Action File
No.

CERTIFICATE OF SERVICE

I, TAMMY LOWERY, being duly sworn, hereby declare the following under penalty of perjury:

1. I am employed by the U.S. Department of Labor, Office of the Solicitor, at 201 Varick Street, Room 983, New York, New York 10014.

2. On Tuesday, March 13, 2007, I mailed via regular mail copies of the Summons and Complaint for this matter and the rules and individual practices of the District Judge assigned to Benito and Margaret Urbino at 6039 Collins Avenue, Apt #802, Miami Beach, Florida 33140. I mailed separate packages of these documents to Benito and Margaret Urbino at that address in securely sealed first class mail envelopes.

Dated: March 14, 2007
New York, New York

/s/ 